

In the Drawings:

Replacement drawings (4 sheets) are submitted herewith in which numbers, lines and letters have the made clean and durable.

Also enclosed are copies of the drawings (4 sheets) as originally filed for the Examiner's convenience.

REMARKS:

Minor corrections have been made in the specification where necessary to overcome the points raised by the Examiner. With regard to the objection alleging the failure of the specification to disclose the features set forth in claims 10 and 17, these claims have been cancelled so that the objection is now moot.

Replacement drawings are attached which show the invention much more clearly and overcome a number of informal points in the drawings and it is requested that the Examiner review the Replacement drawings and approve those drawings for submission of formal drawings.

It will be noted in the Official Action as issued that some confusion is caused in the Official Action by the presence of material relating to application 10/397,479 which is completely irrelevant to the present matter. That material has set a response period of 30 days or 1 month whereas clearly the material that relates to the present application requires and contains a time period for response of three months. The first page of the Official Action indicates that the period for response is either 3 months or 30 days whichever is longer and therefore it is believed that the due date for response expired 3 months from the date of the Official Action which is December 30, 2005 leading to a due date of March 30, 2006. The material contained in the Official Action in error has been ignored.

Turning now to the rejection of the claims under 35 U.S.C. 103, **Claim 22** remains in the application and has been amended to more clearly distinguish the invention from the prior art of Shiao.

The Examiner will firstly appreciate that Shiao discloses two separate embodiments the one of which is shown in Figure 1 and 2 and relates to the prior art. The main disclosure of the patent relates to an embodiment shown in the remaining figures which is significantly different from the present invention. In particular the further embodiment includes a separate driving arrangement for the rotation of the bit so that the bit is not driven by the elongate tube but is instead rotatable inside the elongate tube. This raises some confusion as to what exactly is the disclosure of Shiao in this regard. However the matter is moot in view of the more important distinguishing features set out hereinafter.

Clearly as disclosed in Shiao as will be noted by comparing Figure 4 and Figure 6, the holder is removed from the housing by pivoting the closure end wall 21 about the pivot 19 as shown in Figure 6 so that the cylindrical holder can be pulled out axially by sliding over the central rod 14.

It is clear therefore, as admitted by the Examiner, that Shiao does not disclose the features set forth in original Claim 22 that the holder is removed in a direction at right angles to the axis.

The Examiner has realized the deficiencies of Shiao in this regard and has cited in respect of these deficiencies the prior art of Hu. Hu provides an entirely unconnected disclosure in that the tool includes merely a receptacle in the handle which is entirely different from any receptacle within which the holder can rotate. In Hu the holder 32 comprises merely a separate element which is pulled out of its receptacle in the handle, a bit removed from the holder 32 and inserted in place at the tip of the screwdriver and then the holder is merely returned to its position in the handle. The

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holder is merely therefore a storage unit and certainly does not in anyway co-operate with the remainder of the screwdriver in a manner clearly set forth in Claim 22.

Claim 22 has therefore been amended to clearly state that the generally cylindrical receptacle of the housing has an opening to one side of the second axis so that the holder is removed through that opening, where the opening is on one side of the second axis and the movement is at right angles to the second axis and therefore at right angles to the receptacles in the holder. Clearly Hu does not disclose any of these features since the opening in the side of the handle is clearly different from the receptacle concerned in the present invention and the direction of movement is not at right angles to the receptacles in the holder but is instead along the axis of the receptacles.

It is submitted that a proper combination of Hu and Shiao, bearing in mind the actual proper teachings of these documents, would be simply to take the storage receptacle in the handle of Hu and to use this as a storage receptacle in the handle of Shiao. Hu teaches nothing about how to remove a rotating receptacle of the type claimed in the present invention. Hu merely teaches how to store a storage holder. Such a combination therefore merely includes the storage container in the handle of a construction similar to Shiao and therefore does not disclose the construction now clearly defined in claim 22.

In an alternative combination of Hu and Shiao, one would merely provide an arrangement in Shiao in which the holder is pulled along its axis that is along the axes of the receptacles. Therefore one could possibly consider replacing the pivotal end plate of Shiao with some form of inserted holder such as in Hu. However, even in

this case based upon this combination, the holder would be pulled along the axis rather than at right angles to the axis concerned.

It is submitted therefore that a proper combination of these documents teaches a construction which is entirely different from that now clearly defined in Claim 22.

Yet further it is pointed out that Shiao puts forward as one objective of the invention as defined at column 2, line 5 that Shiao provides an arrangement for removing the holder. It is clear therefore that the construction of Shiao with the pivoted end plate is an essential or key element of Shiao, since this relates directly to the object of the Shiao invention. Therefore any modification of this without clear direction from an alternative and cited document is not proper.

It is submitted therefore that Claim 22 is clearly distinguished from this prior art and should therefore be allowed.

Claim 23 has been amended so that it includes all of the above features and should therefore also be allowed.

Claim 1 has also been amended so as to include all of the features of Claim 22 and should therefore be allowed with Claim 22. It is submitted therefore that each of these three claims is distinguished from the prior art by the same features of distinction and should therefore be allowed. Claims 1 and 23 of course include additional features of distinction.

The Examiner will note further that Claims 3, 4, 5, 6, 7 and 8 have been amended so that they now depend from Claim 22 rather than Claim 1. However is

submitted that these claims also contain the distinctions of Claim 22 and therefore should be allowable with that claim.

Turning now to **Claim 16**, this claim has been amended to make clear the feature of distinction from the prior art in that the holder itself is formed in two portions and that the indexing arrangement is defined by projection and recesses between the two portions.

In the prior art of Shiao the indexing arrangement is clearly defined between the grooves 43 in the holder 40 and the projecting member 13 on the housing. Shiao therefore does not disclose this clear feature of distinction so that no rejection under 35 U.S.C. 102 is proper.

With regard to an objection under 35 U.S.C. 103, clearly this feature is not disclosed in Shiao as set forth above and these deficiencies are not overcome by the disclosure of Hu cited by the Examiner. The Examiner has therefore not cited any prior art which discloses this feature so that a prima facie case of obviousness under 35 U.S.C. 103 has not been established. MPEP requires that every feature of the combination be set forth in one or other of the cited documents and clearly this has not been established in the present rejection. It is requested therefore that this rejection be withdrawn and amended Claim 16 be allowed.

Turning now to **Claim 14**, this claim includes the feature of limitation that the holder carries a magnet to hold the bits in place in the receptacles when the holder is moved from the housing. The claimed limitation thus requires that the magnet is mounted in the holder and is not some separate magnet carried in the housing or on some other element.

In regard to the magnet, neither Shiao nor Hu disclose a magnet as part of the holder. Indeed the Examiner does not allege that either does disclose this feature. Instead the Examiner refers to magnet 52 of Shiao which is clearly mounted on the plunger 51. This magnet is clearly not on the holder and when the holder is removed from the tool, the holder is removed from its co-operation with the magnet 52 so that there is no longer any magnetic effect.

Indeed Shiao overcomes the problem of the bits being separated from the holder in an entirely different manner. Shiao provides the plate 44 and the sleeve 45 so that these devices hold the bits in place when the holder is removed. This is made clear in column 5, at lines 50 to 64. Clearly therefore Shiao provides an entirely different arrangement for holding the bits in place. Shiao therefore fails to disclose this feature. Hu also has no disclosure in regard to this feature. As set forth above, MPEP requires that each and every feature of a claimed combination be disclosed in one or other of the references for a prima facie case of obviousness to be established. Such a case has not been established in this application in regard to Claim 14 since the above feature is not disclosed in any of the references cited.

The Examiner has referred to a precedent and the Examiner states that "It has been held that constructing a formally integral structure in various elements involves only routine skilled in the art." It is assumed that the Examiner is suggesting that the presence of the magnet 52 carries out the same function as the magnet as defined in Claim 14. However this is clearly not correct since magnet 52 corresponds to the "magnetic bit carrying head" of the plunger as recited in the claim. In addition to this magnet and separate from this magnet, the present invention provides the magnet on

the holder. Shiao merely provides the magnet on the plunger and provides no magnet on the holder. Magnet 52 cannot therefore constitute this magnet and no such magnet is disclosed in Shiao either as part of an integral construction or otherwise, so that the precedent recited is not relevant.

It is submitted therefore that Claim 14 is distinguished from the prior art and should be allowed.

Turning to Claim 11, this claim has been amended so as to add the features of Claim 13. At the same time the claim has been revised to present those features in clearer manner and with proper antecedent and presentation of the features.

It is noted that original Claim 13 is not rejected in paragraph 7 of the Official Action nor in paragraph 8 of the Official Action and no prior art has been raised which discloses the features of original Claim 13. The Examiner has not indicated the allowability of Claim 13 but it is believed that this is a mere oversight since there is no rejection of Claim 13.

It is believed therefore that amended Claim 11, which now includes the features of claim 13, is in good order for allowance.

In particular, the Examiner has cited against original Claim 11 the combination of Shiao, Hu together with the further prior art of Wannop. Clearly Wannop discloses a sleeve 12 attached to the end cap 16. Wannop further discloses a portion of the housing which surrounds the plunger. However Wannop does not disclose any shoulder where the sleeve end butts against the shoulder when in the retracted position. In the present invention as defined, therefore, the generally cylindrical receptacle is provided forwardly of the sleeve so that the end of the sleeve butts against the shoulder

defined between the generally cylindrical receptacle and the portion surrounding the plunger. In Wannop the whole of the exterior of the device apart from the tubular portion 58 of Wannop is defined generally by the exterior of the sleeve 12. To the contrary, in the present arrangement, the generally cylindrical receptacle is presented forwardly at the end of the sleeve as located by the shoulder set forth above.

It is submitted therefore that the conclusion of the Examiner that Claim 13 should not be rejected is entirely proper and that Claim 11 as amended is in good order for allowance.

It is requested therefore that the claims now presented herein be further examined and allowed.

Respectfully submitted

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Enc.(8)

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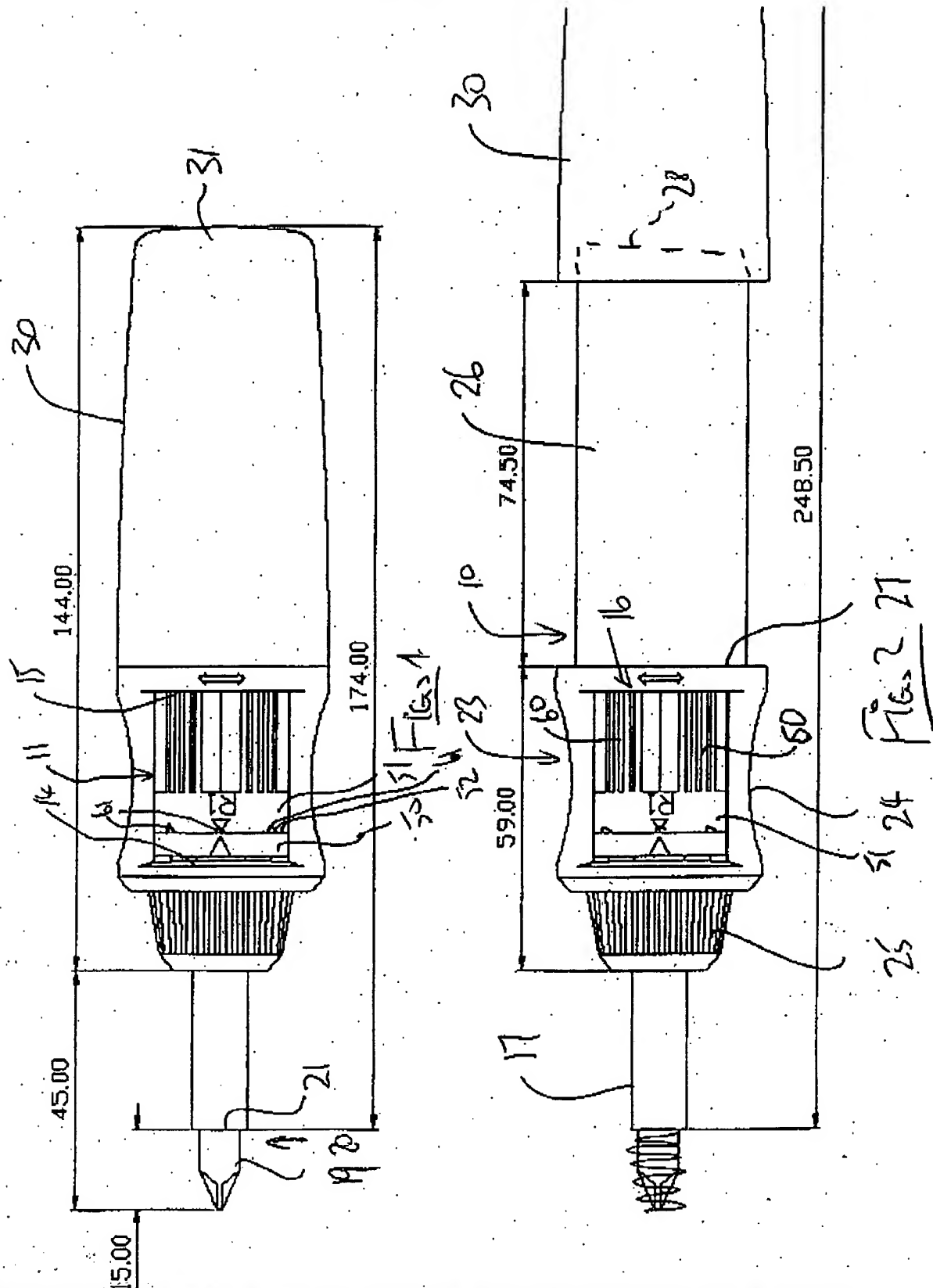
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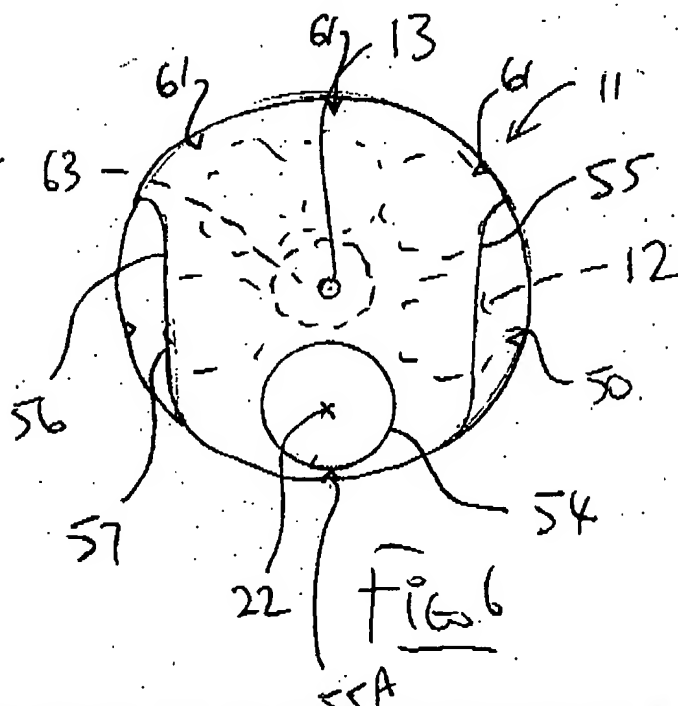
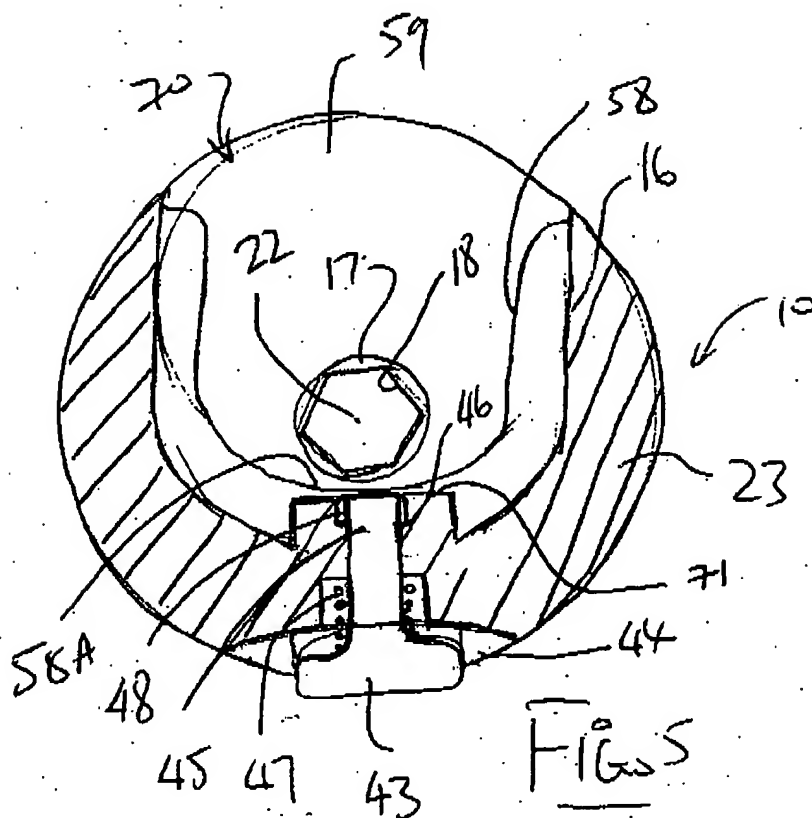
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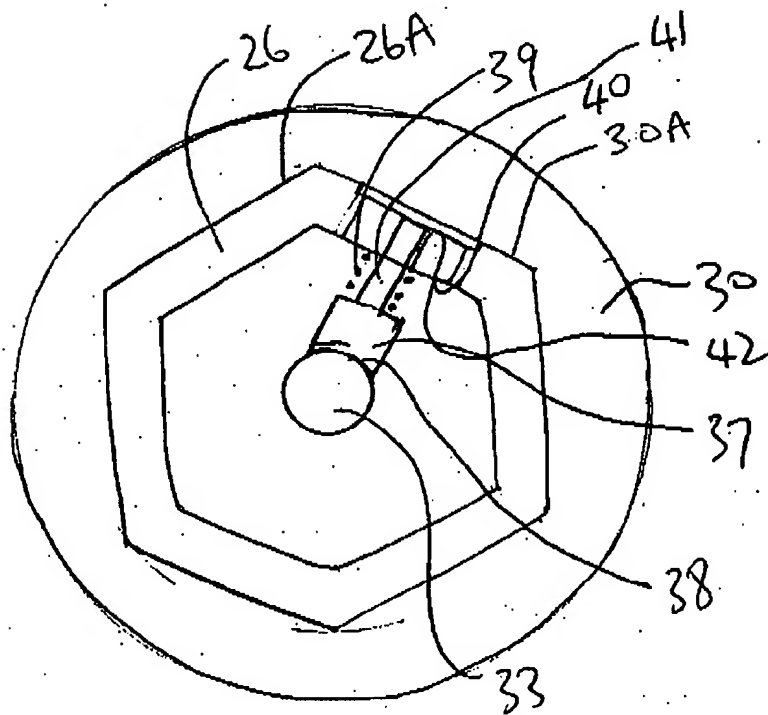
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Figs 7